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August 3, 2007

**BY ECF AND TELECOPY**

Hon. John G. Koeltl  
United States District Court Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: U.S.A. Baseball, et al. v. City of New York,  
07 Civ. 3605 (JGK)(DFE)

Your Honor:

We write to respectfully request that plaintiffs' submission today of a letter brief and two additional declarations, be stricken. This submission attempts to reargue matters that were already fully presented to the Court at oral argument on August 1, 2007. Moreover, the Court did not request additional briefing from the plaintiffs. The plaintiffs' continued effort to have this Court second guess the City's policy decision should not be countenanced. Accordingly, the submission should be stricken from consideration, or alternatively, the City requests until August 8, 2007 to respond.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Horowitz".  
Jerald Horowitz (JH8395)  
Assistant Corporation Counsel

Cc: John F. Collins, Esq.